

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 6	Number 16	Effective Date 12/07/10	Review Date 2013
Subject SHOPLIFTING AND PETIT LARCENY ARREST WARRANTS			☐ New Order ☒ Replaces G.O. 6-16, (10/16/06)
References CALEA <i>1.2.5a</i> , 1.2.6 VLEPSC ADM.02.02e, ADM.02.03 VA Code 18.2-104, 19.2-71, 19.2-72, 19.2-73, 19.2-74, 19.2-81, 19.2-82, 9.1-138 and 9.1-146 General Orders 1-2, 1-14 and 6-4			
 Chief of Police or Designee		12/07/10 Date	

I. PURPOSE

The purpose of this directive is to establish the guidelines for providing assistance to various types of individuals in cases of shoplifting and petit larceny. When requested Richmond Police Officers may provide assistance to Armed and Unarmed Security Officers, Loss Prevention Specialists, business owners and/or their representatives, as well as Special Conservators of the Peace and Registered Security Officers.

II. POLICY

It is the policy of the Richmond Police Department to provide its members with uniform guidelines when arresting suspects for shoplifting and petit larceny; and, providing assistance to various types of law enforcement individuals in cases of shoplifting and petit larceny in accordance with federal, state, and local laws. Provisions under the Code of Virginia, §18.2-104 set additional punishment for individuals convicted more than twice for larceny. Conviction of larceny on the first or second commission by an individual is a misdemeanor, but conviction of larceny for a third time or subsequent offense(s) becomes a felony.

In addition, it is the policy of the Department to cooperate with and provide assistance to police officers from other agencies when requested to do so in the performance of their duties, to include lawful transport, as long as the requests are in accordance with State Codes and/or City of Richmond Ordinances.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this General Order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. DEFINITIONS

Listed below are categories of security officers certified by the Department of Criminal Justice Services (DCJS) or the Circuit Court of the City of Richmond that interact with Richmond Police Officers. (*VA Code § 9.1-138*) For the purpose of this policy, the assistance that the Richmond Police Department officers render to these categories of security officers is covered in General Order 1-14, Special Conservators of the Peace/Registered Security Officers.

- A. ARMED SECURITY OFFICER – A person employed to (i) safeguard and protect persons and property or (ii) deter theft, loss or concealment of any tangible or intangible personal property on the premises the officer is contracted to protect, and who carries or has access to a firearm in the performance of his/her duties.
- B. UNARMED SECURITY OFFICER – A person who performs the functions of observation, detection, reporting or notification of appropriate authorities or designated agents regarding persons or property on the premises the officer is contracted to protect, and who does not carry or have access to a firearm in the performance of his/her duties.
- C. LOSS PREVENTION SPECIALIST (DCJS Certified) – A person in a private business who performs the functions of observation, detection, reporting or notification of appropriate authorities or designated agents regarding persons or property on the premises that the individual is contracted to protect, and who does not carry or have access to a firearm in the performance of his/her duties.
- D. SPECIAL CONSERVATOR OF THE PEACE – A person registered with the Department of Criminal Justice Services and certified by the Circuit Court of the City of Richmond to be a special conservator of the peace under the supervision of the person or agency making application for the appointment.
- E. REGISTERED SECURITY OFFICER – A person registered with the Department of Criminal Justice Services to perform security services within the Commonwealth of Virginia. This registration category includes armed and unarmed security officers.

V. PROCEDURE

- A. An officer arresting an individual for shoplifting and/or petit larceny shall obtain a criminal record check in order to determine the number of times that the individual has been previously convicted of larceny.

NOTE: Criminal History information (CH or QH) will only be given via radio frequency for criminal histories of individuals carrying a firearm. Officers requiring all

other QH information will contact the Division of Emergency Communications (DEC) via telephone.

B. Procedures when arrestee has been convicted of larceny less than two times:

1. The arresting officer(s) shall make a warrantless arrest and issue a summons to the individual pursuant to VA Codes §19.2-74 and §19.2-81, and General Orders 1-2, Constitutional Rights and 6-4, Virginia Uniform Summons.

NOTE: VA Code §19.2-74 requires that whenever any person is arrested for a misdemeanor violation, except as provided for in VA Code §18.2-266, 18.2-388 or Title 46.2 as amended; the arresting officer shall establish the identity of the person to include the name and address. The arrested person shall then be notified in writing to appear at a time and place to be specified on the summons. Once the person has given his/her written promise to appear at such time and place, the officer shall forthwith release the person from custody.

2. Situations when Summons WILL NOT be Issued (Officers Will Proceed to the Magistrate in the Following Cases):
 - a) When the officer believes that the accused is likely to disregard the summons;
 - b) When the officer believes that the accused is likely to cause harm to himself/herself or others;
 - c) When the accused fails to give written promise to appear;
 - d) When the accused fails to or refuses to discontinue the unlawful act; or,
 - e) When the accused is unable to reasonably establish his/her name and address.
3. In such cases, the officer(s) shall present the following to the Magistrate:
 - a) Suspect's full name;
 - b) Item(s), photographs or description of items unlawfully taken or concealed;
 - c) Name of property owner; and,
 - d) Name of court and dates of previous convictions.
4. If the item stolen or concealed is greater than \$200 in value, follow the procedures set forth in Section V. C of this policy.

C. When an arrestee has previously been convicted of larceny two or more times, the officer shall make a warrantless arrest and bring the individual before the Magistrate. The officer shall present the following information to the Magistrate:

1. Suspect's full name;
 2. Item(s), photographs or description of item(s) unlawfully taken or concealed;
 3. Name of property owner; and,
 4. Name of court and dates of previous convictions.
- D. Richmond Police Department (RPD) Officers Making Shoplifting/Petit Larceny Arrests and Transporting Individuals for DCJS Certified Officers and Others:
1. DCJS certified Armed Security Officers do have the power to arrest at their place of employment. In accordance with Va. Code §9.1-146, an arrest can be made for an offense occurring in the Armed Security Officer's presence on the property or in the presence of a merchant, agent, or employee of the merchant the private security business has contracted to protect, if the merchant, agent, or employee had probable cause to believe that the person arrested had shoplifted or committed willful concealment of goods.
 2. Unarmed Certified Security Officers, DO NOT have arrest authority, and, therefore, can only detain a suspect until a RPD officer arrives to make the arrest.
 3. Loss Prevention Specialists (DCJS certified) can legally detain an individual suspected of theft until a police officer arrives. RPD officers shall handle the mechanics of the arrest, complete the IBR, transport the arrestee, obtain the warrant(s) and obtain the Criminal History Check for the Magistrate and subpoena the Loss Prevention Specialist as a witness.
 4. Business owners and representatives can legally detain an individual suspected of theft until a police officer arrives. RPD officers shall handle the mechanics of the arrest, complete an IBR, transport the arrestee, obtain the warrant(s) and obtain the Criminal History Check for the Magistrate and subpoena the business owner or representative as a witness.
 5. In all situations, even when an involved Armed Security Officer is DCJS certified and has arrest powers, the responding RPD officer shall:
 - a) Obtain the suspect's criminal history;
 - b) Convey the necessary information to the Magistrate, if the officer chooses to take the suspect before the Magistrate pursuant to guidelines set forth in this policy;
 - c) Obtain the arrest warrant, if necessary;
 - d) Make the arrest;
 - e) Complete all necessary reports; and,

- f) Summon the Armed Security Officer as a witness for the court appearance, along with other witnesses.

VI. FORMS

IBR